

REMARKS

This amendment is in response to the Office Action mailed December 2, 2008. Claims 1- 27 are pending in the application.

As an initial matter, Applicant kindly requests acknowledgement of the references contained in the IDSs filed on December 5, 2003, May 24, 2004 and January 5, 2006. A copy of the submitted PTO-SB/8 forms are submitted herewith for the Examiner's convenience.

Applicant wishes to thank the Examiner for recognizing in paragraph 3 of the Office Action that claims 2-13 and 15-26 are allowable. Applicant respectfully defers re-writing these claims in independent form until final resolution of the rejected claims.

In paragraphs 2 and 3 of the Office Action, claims 1, 14 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,085,697 to Rappaport *et al.* (Rappaport) in view of U.S. Patent Application Publication No. 2002/0065928 to Senga *et al.* (Senga). The Examiner's rejection on this ground is respectfully traversed.

Among the limitations of independent claim 1 which is neither disclosed nor suggested in the art of record are a requirement that the method comprise "reception points arranged within said observation region are divided into groups for singular or plural reception points," and "said reception determination processing is applied to reception point groups." The Office Action admits on page 3 that "Rappaport does not teach the reception points are arranged into groups in the observation region for singular or plural reception point grouping." Indeed, because Rappaport fails to disclose such grouping, it cannot disclose that such determination processing "is applied to reception point groups." It is improper to combine Senga with Rappaport, and even if Senga were improperly combined with Rappaport, Senga fails to cure this deficiency in Rappaport.

First, it is improper to combine Senga with Rappaport for the simple fact that Senga's teachings are not in the same field. Senga relates to "a multicast system in which a plurality of terminals are distributed and connected via a network so that data can be transmitted in a multicast mode in the system." Senga at [0002]. Senga discloses "a multicast conferencing system that has such construction and is capable of dividing an entire multicast conference group

into a plurality of multicast conference groups with easier procedures.” *Id.* Clearly, this is not in the field of ray and radio wave propagation, and one with ordinary skill in the art of ray and radio wave propagation would not have looked to the multicast conferencing field for such teachings.

Thus, there is no suggestion to combine the teachings and suggestions of Rappaport and Senga, as advanced by the Examiner, except from the use of Applicant’s invention as a template through a hindsight reconstruction of Applicant’s claims. *Ex Parte Crawford et al.*, Appeal 20062429, decided May 30, 2007. Accordingly, withdrawal of this rejection is respectfully requested on this basis alone.

In addition, even if combined, Senga fails to show the claimed teachings that the Office Action admits are deficient in Rappaport. Senga does not disclose the claimed “reception determination processing of [a] ray” (*i.e.*, determining the reception of an electro-magnetic wave cast in free space). Rather, Senga is directed to the transmission of data in a multicast network, and the management of groups of terminals and selective data communications to selective groups, as disclosed in the cited portions of Senga [0018]-[0023] and [0106]-[0110]. This is not the claimed “reception determination processing of [a] ray.” In the absence of any disclosure or teachings of the claimed invention, independent claim 1 is believed to be in condition for allowance.

Claims 14 and 27 recite similar limitations, and are therefore are allowable for at least the same reasons as those expressed above in connection with claim 1.

In addition, neither Rappaport nor Senga concern predicting a path of “a ray provided within an observation region” as required by the independent claims. For at least this additional reason, independent claims 1, 14 and 27 are allowable over the cited prior art.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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